REMARKS

I. Introduction

Claims 1, 3 to 24, and 26 to 35 are currently pending and being considered in the present application. In view of the following remarks, it is respectfully submitted that all of the presently pending claims are allowable, and reconsideration is respectfully requested.

II. Rejection of Claims 1, 4 to 8, 12, 17, 24, 26, 29, 34, and 35 Under 35 U.S.C. § 103(a)

Claims 1, 4 to 8, 12, 17, 24, 26, 29, 34, and 35 were rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of U.S. Patent Application Publication No. 2003/0146940 ("Ellis et al.") and U.S. Patent Application Publication No. 2003/0208763 ("McElhatten et al."). It is respectfully submitted that the combination of Ellis et al. and McElhatten et al. does not render unpatentable the present claims for at least the following reasons.

Claim 1 relates to a method for displaying a media guide to a user, and recites, *inter alia*, the following:

> *displaying, in a single integrated list of recommended titles, at least some of the titles, the at least some of the titles including a title of at least one of the programs immediately available to the user via download or data streaming, a title of at least one of the programs that have been previously stored locally relative to the user, and a title of at least one of the programs that are immediately available to the user via television broadcast.*

Ellis et al. do not disclose or suggest these features. Instead, Ellis et al. refer to displaying only television broadcast program information on a single display page generated based on a user profile. *See* Ellis et al., e.g., figures 6, 7, 8a, 8b, 8c, 11, 16a, 16b, and 16c. Indeed, the Final Office Action at page 3 admits this critical deficiency of Ellis et al.

The Final Office Action refers to ¶¶ [0122] and [0123], and figures 1 and 20A of McElhatten et al. as assertedly disclosing displaying, in a single integrated list, titles which include a title of i) a program immediately available download or data streaming, ii) a program that has been previously locally stored, and iii) an immediately available television broadcast program. However, McElhatten et al. are unrelated to a list of *recommended titles*, as provided for in the context of claim 1. For example, figure 20A of McElhatten et al. merely shows a complete schedule of programs, but does not show a list of recommended

titles. Indeed, McElhatten et al. seek to make all programs available to a user, as evidenced by the statement that "with the invention [of McElhatten et al.], a user advantageously can enjoy any desired programs anytime, thereby transcending traditional program schedule limitations." *See* McElhatten et al., ¶ [0011].

The cited references provide no suggestion or motivation to modify the list of Ellis et al., which is generated based on a profile, to include the features of the integrated list of McElhatten et al. For example, the reason for showing the already recorded programs in the list of McElhatten et al. is not applicable to the list of Ellis et al. In McElhatten et al., the reason for providing listings of already recorded programs is to provide a complete schedule history. However, a list of recommended titles or a list of titles based on a user profile is generated precisely to ***limit*** the listings to only those titles which are recommended. *See, e.g.*, Ellis et al., ¶ [0008]. One skilled in the art would not have modified such a limited list to be expanded to include listings of previously recorded programs because characteristics of recorded programs are conventionally thought to be known to the user since they are already "owned" and previously selected programs, and thus one would not have though there to be any need for them to be further recommended.

The novel features of claim 1 provide additional advantages to the user by including in a single list of recommended programs, programs that are already recorded and non-recorded programs so that a user may prioritize the user's viewing experience with respect to both kinds of programs. As explained more fully above, the cited references, whether considered alone or in combination, do not disclose or suggest these features.

Therefore, the combination of Ellis et al. and McElhatten et al. does not disclose or suggest all of the features of claim 1, so that the combination of Ellis et al. and McElhatten et al. does not render unpatentable claim 1.

Claims 4 to 8, 12, 17, and 34 ultimately depend from claim 1, and therefore include all of the features of claim 1, so that the combination of Ellis et al. and McElhatten et al. does not render unpatentable any of these dependent claims for at least the same reasons set forth above in support of the patentability of claim 1.

Claim 24 includes subject matter analogous to that of claim 1, so that the combination of Ellis et al. and McElhatten et al. does not render unpatentable claim 24 for at least essentially the same reasons set forth above in support of the patentability of claim 1.

Claims 26, 29, and 35 depend from claim 24, and therefore include all of the features of claim 24, so that the combination of Ellis et al. and McElhatten et al. does not

render unpatentable any of these dependent claims for at least the same reasons set forth above in support of the patentability of claim 24.

Withdrawal of this obviousness rejection is therefore respectfully requested.

III. Rejection of Claims 3 and 16 Under 35 U.S.C. § 103(a)

Claims 3 and 16 were rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of Ellis et al., McElhatten et al., and U.S. Patent Application Publication No. 2004/0060063 ("Russ et al."). It is respectfully submitted that the combination of Ellis et al., McElhatten et al., and Russ et al. does not render unpatentable the present claims for at least the following reasons.

Claims 3 and 16 ultimately depend from claim 1 so that these dependent claims are allowable for at least the same reasons set forth above in support of the patentability of claim 1, since Russ et al. do not correct the critical deficiencies noted above with respect to the combination of Ellis et al. and McElhatten et al.

Withdrawal of this obviousness rejection is therefore respectfully requested.

IV. Rejection of Claims 9 to 11, and 27 Under 35 U.S.C. § 103(a)

Claims 9 to 11, and 27 were rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of Ellis et al., McElhatten et al., and U.S. Patent Application Publication No. 2003/0005429 ("Colsey"). It is respectfully submitted that the combination of Ellis et al., McElhatten et al., and Colsey does not render unpatentable the present claims for at least the following reasons.

Claims 9 to 11 ultimately depend from claim 1, and claim 27 depends from claim 24, so that these dependent claims are allowable for at least the same reasons set forth above in support of the patentability of claims 1 and 24, respectively, since Colsey does not cure the critical deficiencies noted above with respect to the combination of Ellis et al. and McElhatten et al.

Withdrawal of this obviousness rejection is therefore respectfully requested.

V. Rejection of Claims 13 to 15, and 28 Under 35 U.S.C. § 103(a)

Claims 13 to 15, and 28 were rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of Ellis et al., McElhatten et al., and U.S. Patent Application Publication No. 2003/0177495 ("Needham et al."). It is respectfully submitted that the combination of Ellis et al., McElhatten et al., and Needham et al. does not render unpatentable the present claims for at least the following reasons.

Claims 13 to 15 ultimately depend from claim 1, and claim 28 depends from claim 24, so that these dependent claims are allowable for at least the same reasons set forth above in support of the patentability of claims 1 and 24, respectively, since Needham et al. do not cure the critical deficiencies noted above with respect to the combination of Ellis et al. and McElhatten et al.

Withdrawal of this obviousness rejection is therefore respectfully requested.

VI. Rejection of Claims 18 and 19 Under 35 U.S.C. § 103(a)

Claims 18 and 19 were rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of Ellis et al., McElhatten et al., and U.S. Patent Application Publication No. 2003/0005445 ("Schein et al."). It is respectfully submitted that the combination of Ellis et al., McElhatten et al., and Schein et al. does not render unpatentable the present claims for at least the following reasons.

Claims 18 and 19 depend from claim 1, so that these dependent claims are allowable for at least the same reasons set forth above in support of the patentability of claim 1, since Schein et al. do not cure the critical deficiencies noted above with respect to Ellis et al. and McElhatten et al.

Withdrawal of this obviousness rejection is therefore respectfully requested.

VII. Rejection of Claims 20 to 23, and 30 to 33 Under 35 U.S.C. § 103(a)

Claims 20 to 23, and 30 to 33 were rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of U.S. Patent No. 6,515,680 ("Hendricks et al."), Ellis et al., and U.S. Patent No. 5,945,987 ("Dunn"). It is respectfully submitted that the combination of Hendricks et al., Ellis et al., and Dunn does not render unpatentable the present claims for at least the following reasons.

Claim 20 relates to a method of displaying a program guide to a user, and recites, *inter alia*, the following:

> *. . . c) displaying, on a single page and in a first list, titles of at least some of the suggested media programs; and*
> *d) displaying, on the single page in a second list, titles of at least some media programs that are immediately available to the user and that meet at least one of the user preferences, a separation of the first and second lists being demarcated.*

The Final Office Action at page 10 admits that "Hendricks does not specifically disclose . . . d) displaying in a second list, titles of at least some media programs that are immediately available to the user and that meet at least one of the user preferences."

In addition, the Final Office Action admits at page 11 that "Hendricks in view of Ellis does not disclose displaying a first and second list on a single page, a separation of the first and second lists being demarcated." Thus, the combination of Hendricks et al. and Ellis et al. does not disclose or suggest displaying both a first list of titles and a second list of titles on a single page. At most, each of Hendricks et al. and Ellis et al. merely indicate a single list of titles on a single page.

Further, the Final Office at page 11 refers to figure 5 of Dunn as assertedly disclosing "displaying a first and second list on a single page, a separation of the first and second lists being demarcated." However, figure 5 of Dunn merely shows a list of stars 102 and a list of programs 108, which corresponds to a selection from the list of stars 102. *See* Dunn, col. 8, lines 12 to 23; and col. 9, lines 36 to 49. That is, figure 5 of Dunn merely shows a single list of titles of media programs on the single page, similar to each of Hendricks et al. and Ellis et al. The second displayed list is of stars for a selected one of which the list of programs is presented. In Dunn, the reason for the display of the two lists is because the lists are of different kinds of content altogether and serve different purposes. One list is to select a filter criterion (i.e., the stars list) and the other list is to present selectable programs that satisfy the selected filter criterion. Further, their simultaneous display is to visually represent how the returned second list relates to the criterion of the first list. In Hendricks et al. and Ellis et al., on the other hand, the listings of the two lists do not share this kind of relationship to each other and, further, both lists serve the same purpose, i.e., to provide a list of selectable programs, so that the lists of Dunn are unrelated to those of Hendricks et al. and Ellis et al. and do not suggest any modification of the combined lists of Hendricks et al. and Ellis et al. Indeed, none of the cited references suggest to further modify the combined lists of selectable programs of Hendricks et al. and Ellis et al. so that the lists are on the same page, where a separation of the lists is demarcated, as provided for in the context of claim 20.

Therefore, the combination of Hendricks et al., Ellis et al., and Dunn does not disclose, or suggest, all of the features of claim 20, so that the combination of Hendricks et al., Ellis et al., and Dunn does not render unpatentable claim 20.

Claims 21 and 22 depend from claim 20, and are therefore allowable for at least the same reasons as claim 20.

Claims 23, 30, and 33 include subject matter analogous to that of claim 20, so that these claims are allowable for at least essentially the same reasons set forth above in support of the patentability of claim 20.

Claims 31 and 32 depend from claim 30, and are therefore allowable for at least the same reasons as claim 30.

Withdrawal of this obviousness rejection is therefore respectfully requested.

VIII. Conclusion

In light of the foregoing, it is respectfully submitted that all of the presently pending claims are in condition for allowance. Prompt reconsideration and allowance of the present application are therefore earnestly solicited.

Respectfully submitted,

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